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STATE FOR WHA/CAR, H; DEPARTMENT PASS TO BINGAMAN STAFFER
CHRIS STONE

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SUBJECT: HAITI SCENESETTER FOR CODEL BINGAMAN-CORKER-HARKIN

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11. This cable is sensitive but unclassified -- please protect accordingly.

Consolidation of Haiti Democratic Institutions

12. (SBU) Haiti is still consolidating basic institutions of democratic governance that were undermined in the period following 1991-2004 under the unstable rule of the Jean Bertrand Aristide and his allies. The current government was chosen in Presidential and legislative elections 2005-06 judged largely free and fair by the international community. Sub-municipal and municipal councils and assemblies were chosen in local elections in early 2007. However, President Preval has thus far not called the constitutionally-mandated sequence of 'indirect' elections in which these local assemblies designate regional assemblies and these in turn department assemblies, culminating in an 'interdepartmental Council' that sits alongside the Prime Minister and Cabinet of Ministers. He has also thus far not set a date for elections to replace one-third of the Senate (one-third of which is elected every two years for six-year terms).

13. (U) All Haitian political institutions are weak, lack capacity, and are vulnerable to corruption. Most of Haiti's Senators and deputies, elected in May, 2006, have no parliamentary or other government experience. Only the Presidents of the Senate and the Chamber of Deputies have offices and a small staff in the parliament; none of their colleagues have staff, computers, internet access, or and most of the time, electricity. Many senators and deputies nevertheless take pride in their institution and want the legislature to play its constitutional role as counterweight to the Executive. Most of the judiciary lacks proper training and is vulnerable to corruption. Prosecutors are susceptible to political influence and abuse of power. The court system is overloaded and struggles under enormous case backlogs. The Haitian National Police (HNP) has an effective force of 8,000 out of a target force size of 14,000. The overwhelming bulk of its presence is in the capital, leaving most of the rest of the country bereft of law enforcement.

Security

14. (U) Security has been the number one threat to stability and democratic consolidation. Haiti has turned a corner since the military and police units of MINUSTAH, acting jointly with (HNP), took decisive action against urban gangs in the Port au Prince slum of Cite Soleil last December that produced a quantum increase in the general security environment in the capital. Nevertheless, gangs continue to

pose a threat in other slum areas of the capital. Security gains that have been made are fragile and by no means irreversible. The other systemic threat to Haitian security is drug trafficking. Haiti is a transshipment point for Latin American drugs transiting to the U.S. and Europe. There is a tendency at upper GOH levels to look to the U.S. to fix this problem for Haiti. President Preval emphatically supports working with DEA and other USG law enforcement against drug traffickers and smugglers, and he appears to have the support of the Haitian public in this area.

U.S. Assistance to Haiti

15. (U) USG assistance to Haiti amounted to approximately USD 200 million in FY07--of that, for FY07, USD 83 million is directed toward HIV/AIDS, primarily through the PEPFAR program, jointly implemented by USAID and the Centers for Disease Control (CDC). PEPFAR is by far the largest anti-AIDS effort in Haiti, now providing 13,000 patients with anti-retroviral medication, and providing HIV care for over 70,000 patients. CDC is also setting up systems that gather HIV data for the Government of Haiti and provide technical expertise in care and treatment, prevention, and development of laboratory infrastructure. Other USG health assistance funds a network of health service providers that gives 40 percent of the country's population access to basic health care.

16. (U) Other USG assistance focuses on strengthening democracy and governance by providing financial and technical assistance to the electoral process, political party building, media strengthening, and building up the judiciary. The USG also underwrites the training and equipping of the Haitian National Police. Additional USG programs target small agricultural producers and small business, and supporting labor-intensive public works programs.

Current Controversy over Elections and the Constitution

17. (U) President Preval continues to promise he will set a date for Senate elections, but that they must be held in 'good conditions' that make the results 'legitimate.' The principal obstacles the President points to are divisions in the CEP and accusations of corruption within its ranks. There appears to be a consensus emerging among the President, political parties and much of the private sector -- not civil society -- that the CEP must be reconstituted. No agreement, however, has emerged on how to choose new members. This debate will further delay Senate elections and increase the probability of a gap arising in the ranks of the Senate.

18. (SBU) The issue of Senate elections has become entangled in the debate over amending the 1987 constitution. President Preval considers the constitution imbalanced in favor of the legislative branch, and has long wanted to amend it. However, he surprised many Haitians and international observers when, in an October 17 speech, he labeled the 1987 constitution as the major source of the political instability Haiti has experienced over the last twenty years, and called for a new constitutional 'architecture.' The level of domestic support for Preval's position on the constitution is questionable. While many agree that the constitution should be amended, many oppose amending the constitution outside of the constitution's prescribed procedures, as in a constitutional convention. Senate President Joseph Lambert has already supported the President's idea, albeit gingerly, but we doubt the President now has a majority in either house of the legislature, or in society at large, to change the constitution in an extra-constitutional fashion.

Your Meeting with the President

19. (U) President Preval appears to 'get it' that market reform and attracting foreign investment is the foundation

for economic growth, job creation, and Haiti's overall development. He is serious about pursuing corruption, although he has yet to demonstrate the same doggedness in pursuing violators in his own bureaucracy as he has shown in pursuing high-profile businessmen.

¶10. (SBU) Preval also understands that security is an absolute precondition to Haiti's progress. Security will be the top agenda item for Preval in his meetings with you. He will stress the USG joint responsibility with Haiti in ensuring security and fighting crime. He will impress upon you his concern that Haiti is becoming a Caribbean transshipment point for drugs, arms and possibly terrorists. He will insist on the need for greater U.S. cooperation in nabbing top drug traffickers. While an August operation in the north of Haiti, with USG participation, netted several high level traffickers, Preval may remind you that the top target of that raid, Guy Phillipe, is still at large. Prompted by a September visit by an ATF team, he will ask for greater cooperation in fighting arms trafficking. I recommend that you express support for continued and expanded U.S. law enforcement cooperation across the board with Haiti.

¶11. (U) Even though the USG has no direct role in Haiti's constitutional issue, President Preval will reiterate the weaknesses of the 1987 constitution and the need to amend it. He will also defend his position on the need to reconstitute the Provisional Electoral Council. I recommend that you simply support the holding of all constitutionally-mandated elections on time, in particular both the Senate elections and the indirect elections for local government. We support elections because they are the best guarantee of Haiti's political stability and future development. Although the President gives less attention to health and environment issues, he will be appreciative that you are showing attention to Haiti's human needs, be it HIV/AIDS, job creation, or land management.

SANDERSON